

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SOCIÉTÉ DES BAINS DE MER ET DU :  
CERCLE DES ETRANGERS À :  
MONACO, :

Plaintiff, :

vs. :

PLAYSHARE PLC, GRAND :  
MONACO LTD., GAMSHARE (UK) :  
LTD., LUCAN TOH, MAXWELL :  
WRIGHT, HILSTEAD LTD., :

Defendants. :  
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Case No. 07 Civ. 4802 (DAB)(RLE)

**AFFIDAVIT OF MICHAEL LEVICK**

STATE OF NEW YORK )  
 ) ss:  
COUNTY OF NEW YORK )

Michael Levick, being duly sworn, deposes and says:

1. I am a litigation administrator at the law firm of Quinn Emanuel Urquhart Oliver & Hedges, LLP (“Quinn Emanuel”). I submit this affidavit in support of Plaintiff Société des Bains de Mer et du Cercle des Etrangers à Monaco’s (“SBM”) opposition to Defendants’ Motion to Dismiss.

2. Under the supervision of Robert L. Raskopf and Lori E. Weiss, respectively a partner of, and an associate with, Quinn Emanuel, I was asked to conduct Internet-based research regarding Defendants PlayShare PLC (“PlayShare”), Grand Monaco Ltd., GamShare (UK) Ltd. (“GamShare”), Lucan Toh, Maxwell Wright, and Hillstead Ltd. The documents attached hereto contain the results of my Internet-based research efforts.

3. Attached as Exhibit 1 hereto is a copy of the Certificate Of Incorporation Of A Private Limited Company for Grand Monaco Limited, dated March 6, 2007, certified by the Registrar of Companies for England and Wales, Companies House, and purchased from the UK Data Ltd. website, located at <www.ukdata.com>, on July 24, 2007.

4. Attached as Exhibit 2 hereto is a copy of the Certificate Of Incorporation Of A Private Limited Company for PlayShare PLC, dated June 30, 2006, certified by the Registrar of Companies for England and Wales, Companies House, and purchased from the UK Data Ltd. website, located at <www.ukdata.com>, on May 24, 2007.

5. Attached as Exhibit 3 hereto is a copy of the Current Appointments Report for PlayShare PLC, dated May 24, 2007.

6. Attached as Exhibit 4 hereto is a copy of the Annual Return for GamShare (UK) Limited, dated May 13, 2006, filed with the Companies House Registrar and purchased from the UK Data Ltd. website, located at <www.ukdata.com>, on May 24, 2007.

7. Attached as Exhibit 5 hereto are copies of the company details for PlayShare, Grand Monaco Limited, and GamShare, from the Companies House website located at <www.companieshouse.gov.uk>, printed on August 20, 2007.

8. Attached as Exhibits 6 through 16 hereto are copies of webpages from the Grand Monaco Casino website, located at <www.grandmonaco.com>, printed on or after June 6, 2007, the filing date of the Complaint: Exhibit 6 is a copy of the Grand Monaco Casino homepage, located at <www.grandmonaco.com>; Exhibit 7 is a copy of the “Who We Are” webpage, located at <www.grandmonaco.com/who-we-are.asp?btag=10015>, providing an overview of the Grand Monaco Casino; Exhibit 8 is a copy of the “Grand Monaco Promise” webpage, located at <www.grandmonaco.com/grand-monaco-promise.asp?btag=10015>, containing a message

from the Grand Monaco Casino's management team and staff to consumers; Exhibit 9 is a copy of the "Games" webpage, located at

<[www.grandmonaco.com/games.asp?btag=10248&cli=818929](http://www.grandmonaco.com/games.asp?btag=10248&cli=818929)>, listing the games available on the Grand Monaco Casino website; Exhibit 10 is a copy of the "Download" webpage, located at <[www.grandmonaco.com/downloading.asp?btag=10248&cli=81829](http://www.grandmonaco.com/downloading.asp?btag=10248&cli=81829)>, providing instructions for downloading and installing Defendants' casino software; Exhibit 11 is a copy of the "Registering Your Account" webpage, located at <[www.grandmonaco.com/registering-your-](http://www.grandmonaco.com/registering-your-account.asp?btag=10248&cli=818929)

[account.asp?btag=10248&cli=818929](http://www.grandmonaco.com/registering-your-account.asp?btag=10248&cli=818929)>, explaining how to set up an account at the Grand Monaco Casino; Exhibit 12 is a copy of the "Logging In" webpage, located at

<[www.grandmonaco.com/logging-in.asp?btag=10248&cli=818929](http://www.grandmonaco.com/logging-in.asp?btag=10248&cli=818929)>, explaining how to log in to the Grand Monaco Casino; Exhibit 13 is a copy of the "Contact Us" webpage, located at

<[www.grandmonaco.com/contact-us.asp?btag=notag](http://www.grandmonaco.com/contact-us.asp?btag=notag)>, providing email addresses and telephone numbers for contacting the Grand Monaco Casino; Exhibit 14 is a copy of the "Live Help"

webpage, located at <[www.grandmonaco.com/live-help.asp?btag=notag](http://www.grandmonaco.com/live-help.asp?btag=notag)>, through which

consumers can instantly chat with the Grand Monaco Casino; Exhibit 15 is a copy of the "Submit a Question" webpage, located at <[www.grandmonaco.com/submit-a-question.asp?btag=notag](http://www.grandmonaco.com/submit-a-question.asp?btag=notag)>,

providing a form to contact the Grand Monaco Casino via email; Exhibit 16 is a copy of the "My Casino Email" webpage, located at <[www.grandmonaco.com/my-email.asp?btag=notag](http://www.grandmonaco.com/my-email.asp?btag=notag)>,

instructing consumers on how to add the Grand Monaco Casino to their contacts lists.

9. Attached as Exhibit 17 hereto are copies of webpages printed from the PlayShare website, including the homepage, webpages containing background information on PlayShare and its online gaming services, and a form to contact PlayShare via email, located at <[www.playshare.com](http://www.playshare.com)>, printed after June 6, 2007.

10. Attached as Exhibit 18 hereto are copies of webpages from the PlayShare Affiliates website, providing an overview of the PlayShare Affiliates program, located at <www.playshareaffiliates.com>, printed after June 6, 2007.

11. Attached as Exhibit 19 hereto is a copy of the “About Playshare Affiliates” webpage, providing information about PlayShare, including the “PlayShare Goals,” from the PlayShare Affiliates website located at <www.playshareaffiliates.com/About\_Us.aspx>, printed on August 2, 2007.

12. Attached as Exhibit 20 hereto are copies of webpages from the G3 Partner website, describing the G3 Partner affiliate program, located at <www.g3partner.com>, printed on June 6, 2007.

13. Attached as Exhibit 21 hereto is a copy of the “Press Releases” webpage from the G3 Partner website, discussing PlayShare’s acquisition of the Grand Monaco Casino and G3 Partner and the launch of the Grand Monaco Casino, located at <www.g3partner.com/press-release.aspx>, printed on July 24, 2007.

14. Attached as Exhibit 22 hereto are copies of “Newsletters” webpages, announcing news, promotional offers, and promotional materials relating to the Grand Monaco Casino, from the G3 Partner website, located at <www.g3partner.com>, printed on or after June 6, 2007.

15. Attached as Exhibit 23 hereto are copies of the “About Us” webpages from the CasinoShare.com website, located at <www.casinoshare.com/About/About\_Us.aspx>, and the PokerShare.com website, located at <www.pokershare.com/About/About\_Us.aspx>, providing an overview of each website, printed on August 22, 2007.

16. Attached as Exhibit 24 hereto is a copy of the “Welcome” homepage, the “Subsidiaries” webpage, and the “Information” webpage from the Hillstead Limited website, located at <www.hilstead.com>, printed on August 21, 2007.

17. Attached as Exhibit 25 hereto is a copy of the Whois information for the <www.hilstead.com> domain name, identifying Max Wright as the Registrant, from the Register.com website located at <www.register.com>, printed on August 23, 2007.

18. Attached as Exhibit 26 hereto is a copy of Defendants’ press release, dated May 30, 2006, discussing their New York gasoline giveaway, from the PokerShare.com Blog located at <pokershare.blogspot.com/2006/05/pokersharecom-and-casinosharecom-give.html>, printed on July 26, 2007.

19. Attached as Exhibit 27 hereto is a copy of an article entitled “Top 10 Successful Marketing Stunts,” dated July 20, 2006, ranking Defendants’ gasoline giveaway as one of the top ten most successful marketing stunts, from Entrepreneur Magazine’s website, Entrepreneur.com, located at <www.entrepreneur.com/article/printthis/159484.html>, printed on August 22, 2007.

20. Attached as Exhibit 28 hereto is a copy of an article entitled “Online Gambling Company Fuel Promo A Success,” dated May 27, 2006, discussing Defendants’ gasoline giveaway, from the Online-Casinos.com website located at <www.online-casinos.com/news/news2256.asp>, printed on August 9, 2007.

21. Attached as Exhibit 29 hereto are copies of the homepage from the MonkeyShare.net website, “the home of Mikey the PokerShare monkey,” located at <www.monkeyshare.net>, printed on August 8, 2007, and samples of postings from the blog “Mikey the Monkey,” located at <http://mikeyshare.blogspot.com/>, printed on August 23, 2007.

22. Attached as Exhibit 30 hereto is a copy of a press release entitled “PokerShare.com Still All-In With Mikey the Poker Playing Chimp,” dated August 3, 2006, discussing Mikey’s the Chimp’s media appearances in New York and quoting Maxwell Wright on Defendants’ sponsorship of Mikey, from the Online Casino City website located at <onlinecasinocity.com/news/news.cfm?ArticleId=66596>, printed on August 22, 2007.

23. Attached as Exhibit 31 hereto are copies of a press release entitled “PokerShare.com Sponsors Mikey The Chimp At The WSOP,” dated July 21, 2006, and article entitled “PokerShare’s Monkey Business At WSOP,” undated, quoting Lucan Toh on Defendants’ sponsorship of Mikey the Chimp, from the Online Casino News website located at <www.onlinecasinonews.com>, printed on August 8, 2007.

24. Attached as Exhibit 32 hereto are copies of the ABC News website displaying a video clip of Mikey the Chimp’s July 22, 2006 appearance on Good Morning America, located at <abcnews.go.com/Video/playerIndex?id=2223863>, printed on August 9, 2007, and relevant portions of a transcript from the same Good Morning America appearance, from Westlaw, 2006 WLNR 12684849 (July 22, 2006), printed on August 21, 2007.

25. Attached as Exhibit 33 hereto is a copy of the YouTube website displaying a video clip of Mikey the Chimp’s July 21, 2006 appearance on The WB11 Morning News (now known as The CW11 Morning News), located at <youtube.com/watch?v=2zRKi19ocXw&eurl>, printed on August 22, 2007.

26. Attached as Exhibit 34 hereto is a copy of the transcript from Mikey the Chimp’s April 17, 2007 appearance on The Opie and Anthony radio show, from The Opie and Anthony Experience forums website located at <www.oaexperience.com/forums/showthread.php?t=10661>, printed on August 8, 2007.

27. Attached hereto as Exhibit 35 is a copy of the “Press Release of the Day,” dated July 18, 2006, featured on the “Opinion” section of the New York Times website, discussing Mikey the Chimp’s media tour starting in New York, located at <[freakonomics.blogs.nytimes.com/2006/07/18/press-release-of-the-day](http://freakonomics.blogs.nytimes.com/2006/07/18/press-release-of-the-day)>, printed on August 20, 2007.

28. Attached as Exhibit 36 hereto is a copy of relevant portions of the gaming blog entitled “As the Gaming World Turns,” dated July 26 and 28, 2006, discussing Mikey the Chimp’s media tour starting in New York, located at <[springsgamer.blogspot.com/2006\\_07\\_01\\_archive.html](http://springsgamer.blogspot.com/2006_07_01_archive.html)>, printed on August 8, 2007.

29. Attached as Exhibit 37 hereto is a copy of a review of the Grand Monaco Casino, from the Online Casino Conditions website located at <[www.onlinecasinoconditions.com/grandmonacocasino.html](http://www.onlinecasinoconditions.com/grandmonacocasino.html)>, printed on August 9, 2007.

30. Attached as Exhibit 38 hereto is a copy of a review of the Grand Monaco Casino, from the Casino Impact website located at <[www.casinoimpact.com/casino-reviews/grandmonacocasino.html](http://www.casinoimpact.com/casino-reviews/grandmonacocasino.html)>, printed on August 1, 2007.

31. Attached as Exhibit 39 hereto is a copy of an article entitled “Playshare acquires Grand Gaming Group,” dated November 21, 2006, discussing PlayShare’s acquisition of the Grand Gaming Group, comprised of the Grand Monaco Casino and G3 Partner affiliate program, from the Online Casino City website located at <[onlinecasinocity.com/news/news.cfm?ArticleId=69004](http://onlinecasinocity.com/news/news.cfm?ArticleId=69004)>, printed on August 9, 2007.

32. Attached as Exhibit 40 hereto is a copy of relevant pages from the “Certified Casino Affiliate Programs” webpage, discussing PlayShare Affiliates, from the Certified Casino

Affiliate Programs website located at <www.casinoaffiliateprograms.com/casino-affiliate-programs.php>, printed on July 26, 2007 .

33. Attached as Exhibit 41 hereto is a copy of the Response filed by Respondents Lucan Toh and Max Wright in the World Intellectual Property Organization (“WIPO”) proceeding filed by SBM, Case No. D2007-0249, dated April 27, 2007.

34. Attached as Exhibit 42 hereto is a copy of the Statement of Maxwell G. Wright and Bundle “R”, Referred to in the Statement of Maxwell G. Wright, filed by Respondents Lucan Toh and Max Wright in the WIPO proceeding filed by SBM, Case No. D2007-0249, dated April 27, 2007.

35. Attached as Exhibit 43 hereto is a copy of the Defence and Counterclaim Under Part 20 filed by Defendants PlayShare, Lucan Michael Toh, and Maxwell George Wright in the High Court of Justice, Chancery Division, Intellectual Property, Claim no. HC07 C01489, in the United Kingdom, which was served on SBM on June 29, 2007.

36. Attached as Exhibit 44 hereto is a copy of the transmission memorandum, dated June 11, 2007, attaching the WIPO Administrative Panel’s decision in Case No. D2007-0249, dated May 25, 2007, ordering the transfer of the Monaco Domain Names by Respondents Lucan Toh and Max Wright to Claimant SBM.

37. Attached as Exhibit 45 hereto is a copy of the Complaint for Declaratory Judgment filed by PlayShare, Lucan Toh, and Max Wright against SBM in the District Court of Arizona on June 19, 2007.

38. Attached as Exhibit 46 hereto is a copy of the Motion to Stay Defendant’s Motion to Transfer, Or, In The Alternative, To Dismiss and Memorandum in Support of Motion to Stay Defendant’s Motion to Transfer Or, In The Alternative, To Dismiss filed by PlayShare, Lucan



Toh and Max Wright in the District Court of Arizona, Case No. 2:07-CV-1203 PGR, on August 1, 2007.

39. Attached as Exhibit 47 hereto is a copy of the Regulatory Announcement issued by Empire Online Limited entitled "US Legislation - Update," dated October 13, 2006, from the London Stock Exchange website, located at <www.londonstockexchange.com>, printed on October 16, 2006.

40. Attached as Exhibit 48 hereto is a copy of a proposed Notice of Deposition of Defendant Maxwell Wright to be filed by SBM in the Southern District of New York.

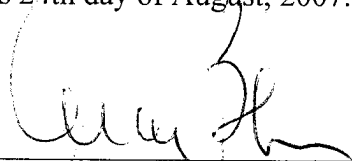
41. Attached as Exhibit 49 hereto is a copy of a proposed Rule 30(b)(6) Notice of Deposition of Defendant PlayShare to be filed by SBM in the Southern District of New York.



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Michael Levick

Sworn to and subscribed  
this 24th day of August, 2007.



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Notary Public

**ALAN BLUM**  
Notary Public, State of New York  
No. 02BL6040007  
Qualified in New York County  
Commission Expires April 10, 2010